

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ANNE GEORGE,

Plaintiff,

V.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 09-cv-851-LFG-RHS

**ANSWER TO DEFENDANT  
UNITED STATES  
COUNTERCLAIMS**

Plaintiff, Anne George, by and through her undersigned attorneys, hereby answer Defendant United States Counterclaims (Dkt. No. 18) as follows:

## ANSWER TO DEFENDANT'S FIRST COUNTERCLAIM

1. The allegations contained in this paragraph consist of Defendant's characterization of law to which no response is required. Plaintiff avers that the cited source speaks for itself and is the best evidence of its content and, therefore, to the extent that these allegations require a response, they are denied.

2. The allegations contained in this paragraph consist of Defendant's characterization of law to which no response is required. Plaintiff avers that the cited source speaks for itself and is the best evidence of its content and, therefore, to the extent that these allegations require a response, they are denied.

3. The allegations contained in this paragraph consist of Defendant's characterization of law to which no response is required. Plaintiff avers that the cited source speaks for itself and is the best evidence of its content and, therefore, to the extent that these allegations require a response, they are denied.

4. Plaintiff denies the allegations contained in this paragraph, except to state that the United States claims a real property interest in the right of way that crosses Plaintiff's private property.

5. Plaintiff denies the allegations contained in this paragraph.

6. Plaintiff denies the allegations contained in this paragraph.

7. Plaintiff denies the allegations contained in this paragraph.

8. Plaintiff denies the allegations contained in this paragraph.

9. Plaintiff denies the allegations contained in this paragraph.

10. Plaintiff denies the allegations contained in this paragraph.

**ANSWER TO DEFENDANT'S SECOND COUNTERCLAIM**

1. The allegations contained in this paragraph consist of Defendant's characterization of law to which no response is required. Plaintiff avers that the cited source speaks for itself and is the best evidence of its content and, therefore, to the extent that these allegations require a response, they are denied.

2. The allegations contained in this paragraph consist of Defendant's characterization of law to which no response is required. Plaintiff avers that the cited source speaks for itself and is the best evidence of its content and, therefore, to the extent that these allegations require a response, they are denied.

3. Plaintiff admits that “the 1979 patent deed” refers to an easement for a right of way. Plaintiff avers that the cited source speaks for itself and is the best evidence of its content and, therefore, denies the remaining allegations in this paragraph.

4. Plaintiff is without sufficient information and knowledge to admit or deny the allegations contained in this paragraph and therefore denies same.

5. Plaintiff is without sufficient information and knowledge to admit or deny the allegations contained in this paragraph and therefore denies same.

6. Plaintiff is without sufficient information and knowledge to admit or deny the allegations contained in this paragraph and therefore denies same.

7. Plaintiff denies the allegations contained in this paragraph.

8. Plaintiff denies the allegations contained in this paragraph.

9. Plaintiff denies the allegations contained in this paragraph.

10. Plaintiff denies the allegations contained in this paragraph.

11. Plaintiff denies the allegations contained in this paragraph.

12. Plaintiff denies the allegations contained in this paragraph.

13. Plaintiff denies the allegations contained in this paragraph.

14. Plaintiff denies the allegations contained in this paragraph.

15. Plaintiff denies the allegations contained in this paragraph.

**ANSWER TO DEFENDANT’S THIRD COUNTERCLAIM**

1. The allegations contained in this paragraph consist of Defendant’s characterization of law to which no response is required. Plaintiff avers that the cited source

speaks for itself and is the best evidence of its content and, therefore, to the extent that these allegations require a response, they are denied.

2. Plaintiff admits the allegations contained in this paragraph.

3. Plaintiff is without sufficient information and knowledge to admit or deny the allegations contained in this paragraph and therefore denies same.

4. Plaintiff denies the allegations contained in this paragraph.

5. Plaintiff is without sufficient information and knowledge to admit or deny the allegations contained in this paragraph and therefore denies same.

6. Plaintiff denies the allegations contained in this paragraph.

7. Plaintiff denies the allegations contained in this paragraph.

#### **AFFIRMATIVE DEFENSE**

Defendant's Counterclaims fail to state a claim upon which relief can be granted.

#### **REQUEST FOR RELIEF**

Wherefore, having answered Defendant's Counterclaims, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff, and that Plaintiff be granted costs, expenses, and attorneys' fees in accordance with law, as well as such further relief as is just and equitable.

Respectfully submitted this 7th day of December 2009.

MOUNTAIN STATES LEGAL FOUNDATION

By: Submitted electronically

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